

REMARKS

Claims 1, 9, and 17 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Claims 1, 7, 9, 15, 17, and 23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 2, 4, 6-12, 14-20, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number 7,093,088 to Todd et al. (hereinafter “Todd”), United States Patent Number 6,145,066 to Atkin (hereinafter “Atkin”), and United States Patent Application Number 20040064459 by Pooni et al. (hereinafter “Pooni”), or in the alternative under 35 U.S.C. 103(a) as obvious over Todd, Atkin, and Pooni.

For the Examiner’s convenience and reference, Applicants’ remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

Applicants thank the Examiner for the telephone interview of December 26, 2006. During the interview, we discussed modifying the claims to cure the 35 U.S.C. § 112 rejection, and amendments to clarify that write commands go to the source volume and target volume during outputting the data. According, Applicants have amended the claims with the limitations “...during outputting the data...” and “...writing the data on the target data storage device as a bit image of the logical volume...” as discussed. Applicants have also amended the claims as suggested to cure the 35 U.S.C. § 112, first paragraph rejection as will be discussed hereafter.

Applicants have also amended claims 1, 9, and 17 with the limitation “requesting data from a source volume on the source data storage device in accordance with a map file having source and target volume parameters...” Claim 1 as amended, amendment underlined. See also claims 9 and 17 as amended. The amendment is fully supported by the specification, which teaches “The data is migrated as logical volumes in accordance with a map file having source and target volume parameters.” Page 6, lines 8-10. See also page 8, lines 1-2; page 11, lines 16-17.

In addition, Applicants have added new claims 24 and 25. The new claims are fully supported by the specification, which discloses, “...the data migration engine, 13, may be, strictly by way of illustration and not limitation, a Vicom Systems DME data migration engine....” and “...an Innovation Data Processing, Inc. FDRPAS (FDR Plug and Swap) data migration engine for mainframe systems.” Page 7, Lines 15-17, page 9, Lines 16-17; page 7, Lines 15-17. Page 11, Lines 7-8.

Response to rejections of claims under 35 U.S.C. § 112, first paragraph

Claims 1, 9, and 17 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicants have amended claims 1, 9, and 17 as discussed during the telephone interview. Specifically, “...receiving updates at the source volume and the target volume during migration by directing all write commands to the source volume and the target volume at the target LUN on the SCSI bus...” is removed and the limitation “...wherein all write commands go to the source volume and the target volume during outputting the data...” is added. Claim 1, as amended. See also claims 9 and 17 as amended.

The amendment is well supported by the specification, which discloses, “All write commands go to both members, while completing a copy to the target volumes.” Page 6, Lines 15-16.

Applicants submit that the amendments satisfy the written description requirement.

Response to rejections of claims under 35 U.S.C. § 112, second paragraph

Claims 1, 7, 9, 15, 17, and 23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claims 1, 9, and 17 to remove the term “during migration.” Applicants have added the phrase “during outputting the data” as discussed during the telephone interview. Applicants submit that the amendments cure the indefiniteness of claims 1, 9, and 17.

Applicants have also amended claims 7, 15, and 23, replacing the clause “the process” and with the phrase “requesting data and outputting data” that has antecedent support. Applicants submit that the amendments cure the indefiniteness of claims 7, 15, and 23.

Response to rejections of claims under 35 U.S.C. § 102

Claims 1, 2, 4, 6-12, 14-20, 22, and 23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Todd, Atkin, and Pooni. Applicants respectfully traverse these rejections.

Independent claims 1, 9, and 17 include the limitations “...wherein the source volume is mapped to a target logical unit number (LUN) on a small computer system interface (SCSI) bus...” and “...outputting the data to a target volume having the target LUN on the SCSI bus wherein all write commands go to the source volume and the target volume during outputting the data...” Claim 1 as amended. See also claims 9 and 17. Thus the present invention claims the source volume and the target volume having the same SCSI LUN wherein all write commands go

to the source volume and the target volume during outputting the data.

In contrast, Todd, Atkin, and Pooni do not teach the source volume and the target volume having the same SCSI LUN wherein all write commands go to the source volume and the target volume during outputting the data. As a result, Applicants submit that claims 1, 9, and 17 are allowable as Todd, Atkin, and Pooni do not teach each element of the claimed invention. Applicants further submit that claims 2, 4, 6-8, 10-12, 14-16, 18-20, 22, and 23-25 are allowable as depending from allowable claims.

Response to rejections of claims under 35 U.S.C. § 103(a)

Claims 1, 2, 4, 6-12, 14-20, 22, and 23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Todd, Atkin, and Pooni. As discussed above, In contrast, Todd, Atkin, and Pooni do not teach the source volume and the target volume having the same SCSI LUN wherein all write commands go to the source volume and the target volume during outputting the data. As a result, Applicants submit that claims 1, 9, and 17 are allowable as Todd, Atkin, and Pooni do not teach each element of the claimed invention. Applicants further submit that claims 2, 4, 6-8, 10-12, 14-16, 18-20, 22, and 23-25 are allowable as depending from allowable claims.

As a result of the presented remarks, Applicants assert that claims 1, 2, 4, 6-12, 14-20, 22, and 23-25 are in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

/Brian C. Kunzler/

Brian C. Kunzler
Reg. No. 38,527
Attorney for Applicant

Date: January 2, 2007
8 East Broadway, Suite 600
Salt Lake City, UT 84111
Telephone (801) 994-4646
Fax (801) 539-1929